

# Exhibit A

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

---

**BARBARA H. LEE, et al.,**

**Plaintiffs,**

**v.**

**VIRGINIA STATE BOARD OF  
ELECTIONS, et al.,**

**Defendants.**

---

**Civil Action No. 3:15-cv-00357-HEH**

**INTERVENOR-DEFENDANTS' ANSWER AND AFFIRMATIVE DEFENSES TO  
PLAINTIFFS' AMENDED COMPLAINT**

Intervenor-Defendants Senator Mark Obenshain, Tammy Alexander, Sherman Cain, Tony Guiffre, Dawn Williams, Frank Birckhead, Joan Elaine Salm, John William Salm, III, Tom Lester, and Jean Gannon (collectively, Intervenor-Defendants), answer Plaintiffs' Amended Complaint as follows:

1. Intervenor-Defendants admit that Barack Obama won Virginia in the 2008 presidential election. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in this paragraph and therefore deny them.

2. Intervenor-Defendants admit that President Obama again won Virginia in the 2012 presidential election. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in this paragraph and therefore deny them.

3. Intervenor-Defendants admit that the Virginia General Assembly passed a law requiring voters to show photographic identification when voting. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in paragraph 3 and therefore deny them.

4. Intervenor-Defendants deny that this paragraph contains any factual allegations. This paragraph instead contains only legal conclusions to which no responsive pleading is required. To the extent that the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

5. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

#### **JURISDICTION AND VENUE**

6. Intervenor-Defendants deny that this paragraph contains any factual allegations. This paragraph instead contains only legal conclusions to which no responsive pleading is required. To the extent that the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

7. Intervenor-Defendants deny that this paragraph contains any factual allegations. This paragraph instead contains only legal conclusions to which no responsive pleading is required. To the extent that the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

#### **PARTIES**

8. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

9. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

10. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

11. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

12. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

13. Intervenor-Defendants admit these allegations.

14. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

15. Intervenor-Defendants admit these allegations.

### **FACTUAL ALLEGATIONS**

16. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

17. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

18. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

19. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

20. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

21. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

22. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

23. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

24. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

25. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

26. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

27. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

28. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

29. Intervenor-Defendants deny that this paragraph contains any factual allegations. This paragraph instead contains only legal conclusions to which no responsive pleading is required. To the extent that the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

30. Intervenor-Defendants deny that this paragraph contains any factual allegations. This paragraph instead contains only legal conclusions to which no responsive pleading is

required. To the extent that the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

31. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

32. The U.S. Census Bureau's 2009-2013 American Community Survey 5-Year Estimates and the results of the 2000 Census in paragraph 32 speak for themselves. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in paragraph 32 and therefore deny them.

33. To the extent Plaintiffs rely on the results of the 2012 federal census for the allegations in paragraph 33, those results speak for themselves. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in paragraph 33 and therefore deny them.

34. Intervenor-Defendants deny that this paragraph contains any factual allegations. This paragraph instead contains only legal conclusions to which no responsive pleading is required. To the extent that the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

35. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

36. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

37. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

38. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

39. Intervenor-Defendants admit that Barack Obama won Virginia in the 2008 presidential election. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in this paragraph and therefore deny them.

40. Intervenor-Defendants admit that in 2009 Governor Robert McDonnell was elected in Virginia. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in this paragraph and therefore deny them.

41. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

42. Intervenor-Defendants admit that President Obama won Virginia in the 2012 presidential election. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to the remaining allegations in this paragraph and therefore deny them.

43. Intervenor-Defendants affirmatively allege that the text of the Virginia statutes cited speak for themselves. To the extent the allegations in this paragraph misstate Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

44. Intervenor-Defendants affirmatively allege that the text of the Virginia statutes cited speak for themselves. To the extent the allegations in this paragraph misstate Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

45. Intervenor-Defendants affirmatively allege that the text of the Virginia statutes cited speak for themselves. To the extent the allegations in this paragraph misstate Virginia law

or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

46. Intervenor-Defendants affirmatively allege that the text of the Virginia statutes cited speak for themselves. To the extent the allegations in this paragraph misstate Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

47. Intervenor-Defendants affirmatively allege that the text of the Virginia statutes cited speak for themselves. To the extent the allegations in this paragraph misstate Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

48. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

49. Intervenor-Defendants affirmatively allege that the text of the Virginia laws cited speak for themselves. To the extent the allegations in this paragraph misstate Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

50. Intervenor-Defendants affirmatively allege that the text of the Virginia regulations cited speak for themselves. To the extent the allegations in this paragraph misstate Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

51. Intervenor-Defendants affirmatively allege that the text of the Virginia proposed regulations cited speak for themselves. To the extent the allegations in this paragraph misstate



Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

52. Intervenor-Defendants affirmatively allege that the text of the Virginia regulations cited speak for themselves. To the extent the allegations in this paragraph misstate Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

53. Intervenor-Defendants affirmatively allege that the text of the Virginia regulations referred to speak for themselves. To the extent the allegations in this paragraph misstate Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

54. Intervenor-Defendants affirmatively allege that the text of the Virginia guidance document cited speaks for itself. To the extent the allegations in this paragraph misstate Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

55. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

56. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

57. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

58. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

59. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

60. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

61. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

62. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

63. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

64. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

65. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

66. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

67. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

68. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

69. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

70. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

71. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

72. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

73. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

74. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

75. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

76. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

77. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

78. The GAO report cited in paragraph 78 speaks for itself. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

79. Intervenor-Defendants deny that this paragraph contains any factual allegations. This paragraph instead contains only legal conclusions to which no responsive pleading is required. To the extent that the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

80. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

81. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

82. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

83. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

84. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

85. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

86. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

87. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

88. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

89. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

90. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

91. Intervenor-Defendants affirmatively allege that the text of the Virginia Constitution cited speaks for itself. To the extent the allegations in this paragraph misstate Virginia law or constitute factual allegations, Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

92. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

93. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

94. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

95. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

96. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

97. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

98. Intervenor-Defendants lack knowledge or information sufficient to form a belief as to these allegations and therefore deny them.

## **CAUSES OF ACTION**

### **COUNT I**

#### **(Violations of Section 2 of the Voting Rights Act)**

99. Intervenor-Defendants reassert and incorporate by reference their answers to all prior paragraphs of this Answer and the responses in the paragraphs below as though fully set

forth herein.

100. Intervenor-Defendants deny that this paragraph contains factual allegations. It instead constitutes only legal conclusions to which no responsive pleading is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

101. Intervenor-Defendants deny the allegations of this paragraph.

102. Intervenor-Defendants deny the allegations of this paragraph.

103. Intervenor-Defendants deny the allegations of this paragraph.

104. Intervenor-Defendants deny the allegations of this paragraph.

105. Intervenor-Defendants deny the allegations of this paragraph.

106. Intervenor-Defendants deny the allegations of this paragraph.

## **COUNT II**

### **(Undue Burdens on the Right to Vote and Disparate Treatment of Individuals Without a Rational Basis)**

107. Intervenor-Defendants reassert and incorporate by reference their answers to all prior paragraphs of this Answer and the responses in the paragraphs below as though fully set forth herein.

108. Intervenor-Defendants deny that this paragraph contains factual allegations. It instead constitutes only legal conclusions to which no responsive pleading is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

109. Intervenor-Defendants deny the allegations of this paragraph.

110. Intervenor-Defendants deny the allegations of this paragraph.

111. Intervenor-Defendants deny the allegations of this paragraph.

112. Intervenor-Defendants deny the allegations of this paragraph.

### **COUNT III**

#### **(Partisan Fencing)**

113. Intervenor-Defendants reassert and incorporate by reference their answers to all prior paragraphs of this Answer and the responses in the paragraphs below as though fully set forth herein.

114. Intervenor-Defendants deny that this paragraph contains factual allegations. It instead constitutes only legal conclusions to which no responsive pleading is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

115. Intervenor-Defendants deny the allegations of this paragraph.

### **COUNT IV**

#### **(Intentional Discrimination on the Basis of Race)**

116. Intervenor-Defendants reassert and incorporate by reference their answers to all prior paragraphs of this Answer and the responses in the paragraphs below as though fully set forth herein.

117. Intervenor-Defendants deny that this paragraph contains factual allegations. It instead constitutes only legal conclusions to which no responsive pleading is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

118. Intervenor-Defendants deny the allegations of this paragraph.

119. Intervenor-Defendants deny the allegations of this paragraph.

120. Intervenor-Defendants deny the allegations of this paragraph.

## **COUNT V**

### **(Intentional Discrimination on the Basis of Age)**

121. Intervenor-Defendants reassert and incorporate by reference their answers to all prior paragraphs of this Answer and the responses in the paragraphs below as though fully set forth herein.

122. Intervenor-Defendants deny that this paragraph contains factual allegations. It instead constitutes only legal conclusions to which no responsive pleading is required. To the extent the allegations in this paragraph misstate the law or constitute factual allegations, Intervenor-Defendants deny the allegations.

123. Intervenor-Defendants deny the allegations of this paragraph.

124. Intervenor-Defendants deny the allegations of this paragraph.

125. Intervenor-Defendants deny the allegations of this paragraph.

### **RESPONSE TO PRAYER FOR RELIEF AND WHEREFORE CLAUSE:**

Intervenor-Defendants deny that Plaintiffs are entitled to the relief they have requested.

**FURTHER RESPONSE:** Intervenor-Defendants deny all factual allegations in the Amended Complaint not expressly admitted herein.

### **AFFIRMATIVE DEFENSES**

1. The Court lacks jurisdiction over the subject matter of the Amended Complaint because the Plaintiffs lack standing.

2. The Amended Complaint fails to state a claim upon which relief may be granted.

3. Plaintiffs have failed to join one or more necessary parties.

4. Plaintiffs' claims are not ripe.



5. Plaintiffs ask the Court for relief that is beyond the power of the federal judiciary to grant.

WHEREFORE, Intervenor-Defendants respectfully request that judgment be entered in their favor dismissing this action with prejudice, denying all of the relief requested, and granting Intervenor-Defendants such further relief as the Court deems appropriate, including attorneys' fees and costs.

Dated: September 1, 2015

Respectfully submitted,

/s/ Mark R. Lentz

Michael A. Carvin (admitted *pro hac vice*)

John M. Gore (admitted *pro hac vice*)

Anthony J. Dick (admitted *pro hac vice*)

Michael Murray (admitted *pro hac vice*)

Stephen A. Vaden (admitted *pro hac vice*)

Mark R. Lentz (VSB No. 77755)

JONES DAY

51 Louisiana Avenue, N.W.

Washington, DC 20001

Tel: (202) 879-3939

Fax: (202) 626-1700

macarvin@jonesday.com

ajdick@jonesday.com

jmgore@jonesday.com

mmurray@jonesday.com

svaden@jonesday.com

mrrentz@jonesday.com

*Counsel for Intervenor-Defendants*